

Introduced by Senator Ashburn

February 24, 2006

An act to amend Section 790 of the Welfare and Institutions Code, relating to juvenile crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1626, as introduced, Ashburn. Juvenile crime.

Existing juvenile law, enacted by initiative statute, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment. This provision does not apply if the minor has committed any one of various, specified serious or violent offenses.

This bill would expand the list of offenses which would make a minor ineligible for the program described above. Because the bill would amend an initiative statute, it would require a 2/3 vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 790 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 790. (a) Notwithstanding Sections 654, 654.2, or any other
- 4 provision of law, this article shall apply whenever a case is
- 5 before the juvenile court for a determination of whether a minor
- 6 is a person described in Section 602 because of the commission
- 7 of a felony offense, if all of the following circumstances apply:

1 (1) The minor has not previously been declared to be a ward of
2 the court for the commission of a felony offense.

3 (2) The offense charged is not one of the offenses enumerated
4 in subdivision (b) of Section 707: *or any of the following*
5 *offenses:*

6 (A) *The offense described in paragraph (1), (3), (4), (5), (6),*
7 *or (7) of subdivision (a) of Section 261 of the Penal Code.*

8 (B) *The offense described in Section 264.1 or 285 of the Penal*
9 *Code.*

10 (C) *The offense described in paragraph (1) or (3) of*
11 *subdivision (c) or subdivision (f), (g), (h), (i), (j), or (k) of Section*
12 *286 of the Penal Code.*

13 (D) *The offense described in subdivision (a) or paragraph (1)*
14 *or (2) of subdivision (b) of Section 288 of the Penal Code.*

15 (E) *The offense described in paragraph (1) or (3) of*
16 *subdivision (c), or subdivision (d), (f), (g), (h), (i), (j), or (k) of*
17 *Section 288a of the Penal Code.*

18 (F) *The offense described in subdivision (b), (c), (d), (e), (f),*
19 *(g), or (j) of Section 289 of the Penal Code.*

20 (G) *The offense described in Section 647.6 of the Penal Code.*

21 (3) The minor has not previously been committed to the
22 custody of the ~~Youth Authority~~ *Division of Juvenile Facilities.*

23 (4) The minor's record does not indicate that probation has
24 ever been revoked without being completed.

25 (5) The minor is at least 14 years of age at the time of the
26 hearing.

27 (6) The minor is eligible for probation pursuant to Section
28 1203.06 of the Penal Code.

29 (b) The prosecuting attorney shall review his or her file to
30 determine whether or not paragraphs (1) to (6), inclusive, of
31 subdivision (a) apply. Upon the agreement of the prosecuting
32 attorney, the public defender or the minor's private defense
33 attorney, and the presiding judge of the juvenile court or a judge
34 designated by the presiding judge to the application of this
35 article, this procedure shall be completed as soon as possible
36 after the initial filing of the petition. If the prosecuting attorney,
37 the defense attorney, and the juvenile court judge do not agree,
38 the case shall proceed according to Article 17 (commencing with
39 Section 675). If the minor is found eligible for deferred entry of
40 judgment, the prosecuting attorney shall file a declaration in

1 writing with the court or state for the record the grounds upon
2 which the determination is based, and shall make this
3 information available to the minor and his or her attorney. Under
4 this procedure, the court may set the hearing for deferred entry of
5 judgment at the initial appearance under Section 657.

O